

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

Alan B. Fabian, Jacqueline M. Richards-Fabian,)
and Jatap Group LLC,)
Plaintiffs,)

v.)

Brock & Scott, PLLC, and U.S. Bank, NA as)
successor trustee to Wachovia Bank, NA as Trustee)
for Wells Fargo Asset Securities Corporation,)
Mortgage Pass-Through Certificates Series 2005-18)
Defendants.)

JUDGMENT

No. 7:10-CV-44-BR

Decision by Court.

This action came before Senior United States District Judge W. Earl Britt for consideration of defendants' motion to dismiss.

IT IS ORDERED, ADJUDGED AND DECREED that the factors in this case weigh in favor of declining jurisdiction over declaratory judgment action. Accordingly, it is hereby **ORDERED** that JATAP's amended complaint and Alan Fabian and Jacqueline Richards-Fabian's complaint are **DISMISSED WITHOUT PREJUDICE**. Defendants' motion to dismiss is **DENIED** as moot.

This judgment filed and entered on November 18, 2010, and served on:

Alan B. Fabian (via U.S. Mail)
Jacqueline M. Richards-Fabian (via U.S. Mail)
Wayne James Payne (via CM/ECF Notice of Electronic Filing)
John T. Benjamin, Jr. (via CM/ECF Notice of Electronic Filing)
William E. Hubbard (via CM/ECF Notice of Electronic Filing)
James R. White (via CM/ECF Notice of Electronic Filing)

November 18, 2010

/s/ Dennis P. Iavarone
Clerk of Court